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MEMORANDUM

May 7, 1970

TO: Mr. James A. Brammell - Director, Office of
Basic and Geographic Intelligence, CIA

FROM: John R. Stevenson *JRS* - Chairman, Law of the Sea
Task Force

SUBJECT: CIA Participation in the Law of the Sea Task
Force

An important function of the Law of the Sea (LOS) Task Force is to collect information on ocean affairs for long-term use by all U.S. Government agencies and for the more immediate purpose of preparing for a possible international conference on LOS subjects. This data bank, as envisaged, will contain a variety of facts about the oceans. Some facts will necessarily be classified, but none will be so sensitive as to preclude effective use by interested government agencies.

Within the organization of the Task Force, responsibility for developing a workable ocean data bank is delegated to an Information and Research Working Group. The Chairman of that Working Group, Charles J. Pitman of State, is authorized to request as needed the assistance of other members of the Task Force, which includes the CIA as an ad hoc member. He has, in fact, been working with representatives of Interior and Defense and with [REDACTED] of your office on initial planning of the data bank.

STATINTL

I would like now to request formally the cooperation of your Office in the formation of the data bank. Specifically, this cooperation will involve the continued assistance

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of [REDACTED] in collecting certain information available to OBGI. I understand that [REDACTED] will periodically inform you about the nature of his work with the Task Force.

STATINTL

The three attached memoranda describe the format of the data bank and the organization of the Law of the Sea Task Force.

Attachments: As stated.

L/PMO:CJPitman:cek

TAB

12 January 1970

MEMORANDUM FOR: Director of Basic and Geographic Intelligence
SUBJECT : Proposed Maritime Data Bank

1. As you know, over the past year there has been frequent contact between State (Office of the Geographer) and OBGI to discuss the creation and management of a data base on expanding national interests in the sea. Both offices need to have a developed expertise to respond to specific problems on a short term basis, and both offices feel a responsibility for broad dissemination of accurate and up-to-date information on basic subjects deemed relevant to national intelligence and sovereignty problems. Several meetings included Professor Lewis Alexander of Rhode Island's Law of the Sea Institute, who has made specific comments on the scope of the data base. [REDACTED] is exploring the possibilities of automating the tedious mapping of base lines and territorial waters boundaries. We feel ready now to proceed with an initial compilation and dissemination effort. This memorandum summarizes our conclusions and outlines the proposed project.

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2. Man's increasing ability to exploit the maritime areas of the world has greatly increased US requirements for data on maritime physical features and the rights and claims of foreign nations in maritime areas. There is an immediate need to support two major international conferences which will be meeting soon to define and/or further refine national rights concerning the seabed and territorial waters. Any policies developed during these conferences are of great concern to the US. Pending the formulation of such policies -- and probably long after they take effect -- conflicts between nations over maritime rights will arise, and will have to be monitored and evaluated by the Intelligence Community.

3. Data needed on the world's maritime areas and on national interests, claims, and activities in offshore areas are becoming available in increasing quantities from a wide variety of sources. At the present time, however, no government or private organization collects and integrates such data in a manner which can provide the necessary degree of timely, effective support to policy-makers and the Intelligence Community.

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4. To meet this need, it is recommended that a systematic data bank of maritime information be developed -- initially on an exploratory basis and subsequently, as the results warrant, on a continuing basis. The attached list outlines the scope of data that could be included in the data bank and also indicates potential sources of information. The data included should be broad enough to provide a comprehensive picture of each nation's interests, capabilities, and claims in maritime areas. It should also include appropriate political and economic factors which could be correlated with other data in analyzing national policies and alignments in negotiations on maritime affairs.

5. The list is presently being coordinated with the Office of the Geographer of the Department of State to ensure that only the most essential information is included. Much data (e.g., length of coastlines, width of territorial waters) are already available in synoptical tables in various publications; some can be compiled with minimum effort from various sources; and the remainder will involve a research and collection effort.

6. It is proposed that the first step in creating such a data bank be undertaken by Geography Division for a select number of countries. Completion of this step will give us both a better knowledge of the requirements and capabilities of the other agencies involved in maritime affairs and a better idea of the magnitude of effort needed to compile the data for all the maritime countries of the world. If the results of the exercise are favorable, an interagency meeting under the aegis of the NIS Committee could then be called to consider possible compilation of the data on a worldwide basis as an NIS function, looking to a publication format similar to the NIS Factbook.

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Chief, Geography Division

Attachment

PROPOSED DATA BANK ON MARITIME INFORMATION

TENTATIVE COUNTRY OUTLINE

<u>Data</u>	<u>Comments</u>
GENERAL INFORMATION	
Area	Inclusion of some general economic and political indices in the data bank will facilitate correlation of a nation's maritime interests with other basic characteristics.
Population	These or similar types of data are already available in UN or other publications and can be compiled by OBGI.
Per capita GNP	
Per capita protein consumption	
Per capita energy consumption	
Date of independence	
PHYSICAL FEATURES	
Length of coastline	Information on the physical aspects of coastlines and bathymetry of offshore areas is significant for delimiting boundaries in water areas.
Adjacent water body	Precise data on most of these subjects would require map research and compilation of materials not now readily available for many areas of the world.
Nature of Coastline (in terms relating to baseline construction)	
Nature of adjacent seabed configuration	
Ocean area with depths less than 100 meters 200 meters 500 meters 1,000 meters	
Width of Continental Shelf (Min., Max., Avg.)	
Area of Continental Shelf	
Ocean area within 12 NM	
Ocean area within 50 NM	

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<u>Data</u>	<u>Comments</u>
NATIONAL CLAIMS	Some basic reference data on existing national claims in maritime areas
Territorial Sea:	have already been compiled by Office of the Geographer, Department of State. Remainder would probably be best compiled as a joint effort with OBGI using OBGI files and other reference material in CIA and State.
Width/date of claim	
width/date of previous claim	
Nature of baseline(s)	
Maximum length of closing line for bays and estuaries	
Claims to other water bodies; name; nature of claim; date	
Special zones claims (Width/date of claim)	
Exclusive fishing	
Fish conservation	
Protective area	
Civil jurisdiction	
Customs	
Neutrality	
Defense security	
Sanitation control	
Airspace	
Other	
Claims to shelf (Nature of claim/date)	
Claims to seabed (Nature of claim/date)	
Median line agreements	
Claims to straits	
Control of international straits	
Strait/width	

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<u>Data</u>	<u>Comments</u>
ECONOMIC RESOURCES	
Fishing	
Catch--distant	This type of data is indicative of extent of a nation's economic interests in the sea. Data are available to some extent in UN, Foreign Agricultural Organization, Bureau of Commercial Fisheries, and Center for Naval Analyses files and publications.
Catch--coastal	
Domestic consumption	
Export	
Contribution to Gross National Product (or some index to relative importance to economy of country)	
Location of coastal fisheries (map reference?)	
Other food resources (kelp beds)	
Offshore Seabed Mineral Resources	
Known Deposits:	Locational information for both deposits and concessions could best be handled through maps; but may also be listed by coordinates, depths, and distance from shore; shelf or deep seabed.
Oil and gas	
Other minerals	
Concessions:	
Companies (domestic and/or foreign)	
Nature of activities	
Production	
Value to country	
SCIENTIFIC EFFORTS AND TECHNICAL CAPABILITIES	
Government expenditures	Indicative of level of maritime technology and ability to exploit offshore economic resources. Data probably difficult to compile.
Participation in international programs	
Attitudes toward offshore research by other nations	
Other	

<u>Data</u>	<u>Comments</u>
FLEETS	
Merchant	Indicative of national capabilities in maritime areas; data can be compiled from existing intelligence and commercial sources.
Naval	
Fishing	
Icebreakers	
Intelligence collection vessels	
Oceanographic and fisheries research	
LEGAL COMMITMENTS AND OBLIGATIONS	
United Nations membership	Would provide basic reference to a nation's existing legal commitments to maritime affairs and reflect its general position. Would probably require use of State Department resources in compilation.
Vote on specific maritime issues	
UN Seabed Committee membership	
Geneva Conventions ratification	
Territorial sea and contiguous zone	
High seas	
Fishing and conservation	
Continental shelf	
Compulsory settlement of disputes (optional protocol)	
Regional agreements	
Bilateral agreements	
Seabed nuclear weapons ban	
Domestic legislation	
MARITIME CONFLICTS	
BASIC SOURCES (including mapping)	List of references to basic documentary sources for more detailed research.

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ORGANIZATION OF THE LAW OF THE SEA TASK FORCE

(List of Members Attached)

PURPOSE:

To coordinate the U.S. Government's negotiating position on Law of the Sea issues, including the seabeds, to insure maximum success possible for the United States in the proposed Law of the Sea Conference and at the United Nations.

FUNCTIONS:

1. To prepare, coordinate among all Departments and Agencies having responsibilities in the matters, and seek Executive Branch approval of U.S. positions on:
 - (a) Territorial Seas, Straits and Fisheries
 - (b) Limits of National Jurisdiction over the Seabed
 - (c) Regime for the peaceful uses of the seabed and the ocean floor beyond the limits of national jurisdiction
2. To prepare, coordinate and agree on the conduct of necessary consultations with interested committees and members of the Congress and representatives of industry and the scientific community on the subjects mentioned in (1).
3. To prepare and coordinate bilateral and multilateral diplomatic negotiations of approved U.S. positions on those subjects, pursuant to the White House directive to the Secretary of State of January 8, 1970.
4. To collect, collate, and maintain records of international and domestic law and customs and actions and positions of other nations on these subjects, and of international

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information in support of the further negotiation mentioned in
(3).

MEETINGS:

The Chairman (or in his absence, the Vice Chairman) will call meetings of the Task Force.

1. Executive Level Coordination

This will be handled by the Chairman (and in his absence by the Vice Chairman). It will involve coordination at the Under Secretary, Assistant Secretary and Deputy Assistant Secretary level within the Department of State with other Departments and Agencies.

2. Executive Operations Group

The Chairman, the Vice Chairman, and the designated representatives of the Departments of Defense and Interior will make up this group. Representatives of other Departments, other Bureaus of the Department of State, officers of USUN or other diplomatic missions concerned and members of Task Force Working Groups will be invited as deemed appropriate by the Chairman (or in his absence, the Vice Chairman) who will call the meetings of the group. The Executive Operations Group will identify and assign the tasks and priorities required for the effective discharge of the functions noted above. It will consider recommendations and reports of the Task Force Working Groups. It will determine the need for, and arrange, Executive Branch consideration of and decisions on particular matters. It will assure the compatibility of the positions it recommends with U.S. positions and negotiations regarding oceanographic research, marine pollution, safety at sea, etc.

3. Law of the Sea (LOS) Working Group

This will comprise representatives of L (Chairman), IO, PM, E, SCI and S/FW in State, and of the Departments of Defense, Interior and Justice. Its members will undertake initial drafting of papers determined by the Operations Group to be required under functions 1(a) and (b) above, and will obtain necessary working level clearances thereof. It will also recommend

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work needs and priorities in those subjects to the Operations Group. It will meet at the call of its Chairman.

4. Regime for Peaceful Uses Working Group

This will comprise representatives of IO (Chairman), L, E, SCI, S/FW in State and of the Departments of Defense, Interior, Commerce and Transportation, and the Marine Council. Its members will undertake the initial drafting of papers determined by the Operations Group to be required under function 1(c) above, and will obtain necessary working level clearances thereof; it will also recommend work needs and priorities in those subjects to the Operations Group. It will meet at the call of its Chairman.

5. Information and Research Working Group

This will comprise representatives of L (Chairman), IO, SNS, INR, the Geographer, and the regional bureaus of the Department of State, with the assistance of representatives of other members of the Task Force as required. It will carry out function 4 above, under the general direction of the Operations Group. It will meet at the call of its Chairman.

6. Secretariat

This will comprise one officer each of L and IO, designated by the Chairman and Vice Chairman. It will maintain records of decisions and actions of the Task Force and its Working Groups, and assure appropriate follow-up; arrange and attend meetings of the Task Force; assure adequate and timely documentation of meetings of the Task Force and of the Operations and Working Groups; and assist in arranging Executive Branch consideration and decision-making as the Operations Group may direct.

Attachment: List of Members

TAB

27 January 1970

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MEMORANDUM FOR: [REDACTED] ODDI

THROUGH : Chief, Geography Division, OBG

SUBJECT : Comments on Proposed "U.S. Position on Seabed Boundary"

1. Background. The proposed U.S. Position on Seabed Boundary reaffirms the 1958 Geneva Convention on the Continental Shelf by maintaining the 200-meter isobath as the seaward boundary of a coastal state's "sovereign rights" to seabed mineral resources. Beyond the 200-meter line, the new policy seeks to establish an explicit physical boundary -- the seaward edge of the geologic continental rise -- that confines the coastal state's jurisdiction, whereas previously the Geneva Convention had provided that a coastal state could exploit resources on the shelf to whatever limit its technical capability could reach. This area between the 200-meter isobath and the foot of the rise is referred to as the "intermediate" zone, and it is with the regime of this zone that the proposal is chiefly concerned. According to the proposal, in the intermediate zone the rights and responsibilities of the coastal state and the international community are blended: the coastal state has "jurisdiction" over exploration and exploitation rather than "sovereign rights"; certain internationally agreed rules govern mineral exploration and exploitation activities; freedom of scientific research is to be guaranteed; and part of the value of the mineral resources must be contributed to an international fund. Beyond the intermediate zone the policy looks to an unspecified international regime over the remaining deep seabed.

2. The following comments are addressed to 1) the difficulties involved in implementing the boundary concepts proposed, difficulties which we feel are insufficiently treated in the background paper, 2) the interest of the Agency in maintaining maximum freedom for scientific research and for military [REDACTED] collection operations on the seabed; 3) some implications of the proposed position with respect to the USSR; and 4) some reflections on the political feasibility of the concepts.

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3. Boundary delimitation problems. The background statement accompanying the proposed U.S. Position on Seabed Boundary does not afford a sufficient appreciation of the difficulty, time, or effort required to delimit the boundaries proposed. As exploitation increases the needs for large-scale cartographic delimitation will become real and immediate rather than abstract as they have been to the present time. We feel that the scope and difficulty of the problems involved are of a considerably greater order of magnitude than those encountered heretofore in land boundary delimitation, and therefore deserve to be considered in more detail before the general concepts are accepted and implementation prove infeasible.

4. A critical problem concerns the landward boundary of the intermediate zone. A boundary defined by the 200-meter isobath produces underwater "islands", which will present the same type of problem in drawing the boundary isobath as offshore islands currently present in drawing the territorial waters baseline for various countries. A complex set of rules will have to be agreed upon and applied -- and if past international experience in formulating base line rules is any index, this will be a very difficult task. The jurisdiction of island nations or island dependencies which lie within the continental margin of coastal states (e.g., the Bahama Islands within the continental margin of the U.S.; the Falkland Islands within the continental margin of Argentina) will have to be delimited by special rules. The large-scale cartographic delimitation of the landward boundary isobath of the intermediate zone could thus well become a protracted and expensive effort with considerable conflict potential in certain areas. Defining the seaward boundary of the intermediate zone as the foot of the rise also presents a complex technical problem. No mention is made of responsibility for, or financing of, the boundary delimitation effort. Do we foresee that it will be undertaken systematically by an international team, or haphazardly by individual nations as individual cases, or crises, arise?

5. Freedom of scientific research. The interest of the Agency is best served by an agreement that maintains maximum freedom for scientific research and for military [redacted] collection 25X1C operations. The 1958 Geneva Convention on the Continental Shelf has had the effect of curtailing research on many shelf areas around the world. The Convention affirmed the coastal state's authority to grant or deny consent for research on its shelf, but provided that the state "shall not normally withhold its consent" to a legitimate scientific endeavor. In practice, however, as noted in the Analysis of the Proposal (TAB A, p. 8) this consent has been increasingly difficult to obtain because of the fears of the coastal state that any type of research could be used to the detriment of its own economic and military interests.

6. The proposal acknowledges the problem by attempting to be very explicit about safeguarding scientific research within the newly created intermediate zone. Although it grants the coastal state authority over both exploitation and exploration, it proposes to define "exploration" in such a way "as to ensure freedom for legitimate scientific research." The crux of the problem -- the distinction between legitimate and other kinds of research -- remains unresolved, and probably cannot be productively resolved, since all pure research can be applied to military and economic ends, just as all applied research contributes to the sum of knowledge.


7. So long as the coastal state's permission is required, it can inhibit research, through delay and red tape, if necessary, regardless of the definition agreed upon. We feel that the only realistic way to avoid a situation in which the coastal state can inhibit scientific research is to limit the coastal state's jurisdictional rights in the intermediate zone to mineral exploitation only, and to affirm complete freedom for all types of investigation of the seabed in the intermediate zone.

8. Implications with respect to the USSR. Some of the broadest areas of continental shelf in the world lie off the Arctic coast of the USSR, which consequently has more seabed area within the 200-meter isobath than any other country, and off-shore sedimentary basins make the seabed particularly favorable for petroleum resources. Developing capabilities to operate under and through the icepack will tend to increase the military and economic utility of the area. Of particular interest is the seabed off East Siberia, in the Chukchi and Bering Seas, where the sovereign rights of the USSR abut on the U.S.-controlled shelf off Alaska. Discovery of valuable minerals in this area may ultimately require agreement between the USA and the USSR on a precisely drawn median line for mineral rights, or mutual acceptance of the U.S.-Russian Convention Line of 1867 as a more comprehensive type of boundary. Beyond the 200-meter isobath in the Arctic Basin the Soviet Union also has large area of continental slope. Soviet acceptance of an intermediate zone regime for this area, or of an international regime for the Arctic seabed area beyond, would constitute a significant and unlikely change of attitude toward their claim of domain over their sector of the Arctic.

9. Because only a relatively few countries with wide continental margins stand to profit appreciably from this proposed agreement, the chances of its passage as a U.N. Treaty would appear slim. The small (2 percent suggested) payment from the value of mineral production in the intermediate zone into an international common pot seems hardly attractive enough to the host of countries that have narrow shelves,

are self-locked, or land-locked. Some countries with narrow shelves, the discussion suggests, might be attracted by a compensatory arrangement which provides for jurisdiction over a fixed distance from shore. While such propositions offer the coastal nation the psychological security of distance, they are meaningless since the seabed acquired is too deep for mineral exploitation in the foreseeable future.

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Chief, USSR-Europe Branch
Geography Division, OBG

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